

EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

Case No. 1:17-CV-70

-vs-

WAL-MART STORES EAST, LP,

Defendant.

DEPOSITION OF LEE D. SPUDE
(Personal Deposition)
November 14, 2018
2:03 p.m. to 4:19 p.m.
201 Main Street
Green Bay, Wisconsin

APPEARANCES:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, by
CARRIE VANCE and LESLIE N. CARTER, Attorneys at
Law, 310 West Wisconsin Avenue, Suite 500,
Milwaukee, Wisconsin 53203, appearing on behalf of
the plaintiff.

MWH LAW GROUP, LLP, by EMERY K. HARLAN, Attorney
at Law, 735 North Water Street, Suite 610,
Milwaukee, Wisconsin 53202, appearing on behalf
of the defendant.

<p>1 INDEX TO EXAMINATIONS Page 2</p> <p>2</p> <p>3 Witness: Page:</p> <p>4 Lee D. Spude</p> <p>5 Examination by Ms. Vance..... 3</p> <p>6</p> <p>7 INDEX TO NEWLY MARKED EXHIBITS</p> <p>8 Exhibit No. Description Page ID'd</p> <p>9 No. (None marked.)</p> <p>10</p> <p>11 INDEX TO PREVIOUSLY MARKED EXHIBITS</p> <p>12 Exhibit No. Description Page ID'd</p> <p>13 Exh. 65 Case Details, D001014 through D001019 43</p> <p>14 Exh. 66 E-mail chain and other documents, D001020 through D001061 51</p> <p>15 Exh. 69 Individual Statement of Fact, D001081 through D001090 53</p> <p>16 (Copies of previously marked exhibits attached to original and copies of transcripts.)</p> <p>17</p> <p>18 REQUESTED INFORMATION</p> <p>19 Description: Page:</p> <p>20 (None requested)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1 Q Am I right that the Manitowoc Walmart store was within</p> <p>2 your scope of management in 2014 and 2015?</p> <p>3 A Yes, I was in role at the very end of 2014. So when</p> <p>4 you asked me if I was in scope in 2014 and '15, it</p> <p>5 would have been as long as I held the position, which</p> <p>6 was very late in 2014 and then through 2015.</p> <p>7 Q And is that the same position you are currently in?</p> <p>8 A Yes.</p> <p>9 Q I'd like to ask a few questions to establish a little</p> <p>10 bit of--</p> <p>11 A Sure.</p> <p>12 Q --your employment background. When did you first</p> <p>13 become an employee of Wal-Mart?</p> <p>14 A I first became employed at Wal-Mart September 11th of</p> <p>15 2010.</p> <p>16 Q What was your position with Wal-Mart, please?</p> <p>17 A Assistant store manager in store 2127 in Wausau,</p> <p>18 Wisconsin.</p> <p>19 Q What was the title of your next position with Wal-Mart?</p> <p>20 A Assistant store manager of store 1316 in Sturgeon Bay,</p> <p>21 Wisconsin.</p> <p>22 Q What year did you move to the Sturgeon Bay position?</p> <p>23 A It was in 2011. I forget the exact month, but it would</p> <p>24 be the year 2011.</p> <p>25 Q What is the title of the next position you held with</p>
<p>Page 3</p> <p>1 (November 14, 2018, 2:03 p.m.)</p> <p>2 LEE D. SPUDE,</p> <p>3 being first duly sworn on oath to tell the truth, the</p> <p>4 whole truth, and nothing but the truth, testifies as</p> <p>5 follows:</p> <p>6 EXAMINATION BY MS. VANCE:</p> <p>7 Q Good afternoon, Mr. Spude. Would you please state your</p> <p>8 full name for the record.</p> <p>9 A Lee David Spude.</p> <p>10 Q What is your title professionally at your job?</p> <p>11 A Market human resource manager, commonly referred to as</p> <p>12 MHRM.</p> <p>13 Q Is there a number assigned to the market that you are</p> <p>14 the market human resources manager to?</p> <p>15 A Currently?</p> <p>16 Q Yes.</p> <p>17 A I'm the market human resource manager for 440 and 436,</p> <p>18 which I'm in transition currently.</p> <p>19 Q Is the Manitowoc Walmart store part of a different</p> <p>20 market than the markets you just testified about?</p> <p>21 A No, it is not. Manitowoc is part of market 440.</p> <p>22 Q All right. And is the position you currently hold the</p> <p>23 same position you held in 2014 and 2015?</p> <p>24 A Same position, yes. Slightly different territory, but</p> <p>25 same position and responsibilities.</p>	<p>Page 5</p> <p>1 Wal-Mart?</p> <p>2 A Co-manager in store 2958 in Appleton, also referred to</p> <p>3 as Darboy, Wisconsin.</p> <p>4 Q What is the year that you became co-manager in the</p> <p>5 Appleton store?</p> <p>6 A I believe it was 2013.</p> <p>7 Q What was the-- Excuse me. What is the title of the</p> <p>8 next position you held with Wal-Mart?</p> <p>9 A Store manager in Waukesha. I forget the store number,</p> <p>10 but it was in Waukesha, Wisconsin.</p> <p>11 Q Was that a Super Walmart?</p> <p>12 A No, it was a Neighborhood Market.</p> <p>13 Q Do you remember the street-- Do you remember the name</p> <p>14 of the street the Neighborhood Market in Waukesha was</p> <p>15 on?</p> <p>16 A I do not.</p> <p>17 Q What year did you become store manager at the</p> <p>18 Neighborhood Market in Waukesha?</p> <p>19 A 2013, I believe it was.</p> <p>20 Q Am I right that you served as co-manager in the</p> <p>21 Appleton store for less than a full year?</p> <p>22 A That's correct.</p> <p>23 Q What is the title of the next position you held with</p> <p>24 Wal-Mart?</p> <p>25 A Market human resource manager for market 440.</p>